

## MEETING MINUTES CITY OF MILPITAS

**Minutes of:** Regular and Special Meetings of  
the Milpitas City Council  
**Date:** Tuesday, March 17, 2020  
**Time:** 6:00 PM Special & Closed Session  
7:00 PM Open Session  
**Location:** Meeting held via teleconference only  
Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas

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### CALL TO ORDER

Mayor Tran called the special meeting to order at 6:06 PM. City Manager Steve McHarris called the roll. The meeting took place via teleconference and webinar.

**PRESENT:** Mayor Tran, Vice Mayor Nuñez, Councilmembers Dominguez and Phan

**ABSENT:** Councilmember Montano was absent at roll call. She joined the audio meeting at 6:20 PM.

### SPECIAL MEETING ITEM

City Manager identified the need for City Council action regarding emergency pay for select City employees during the current emergency.

Motion: to approve temporary emergency pay for non-essential full-time and part-time employees from March 17 through April 7, 2020, unless there is supplemental federal mandated leave available for eligible employees to use

Motion/Second: Vice Mayor Nuñez/Councilmember Dominguez

Motion carried by a vote of: AYES: 5  
NOES: 0

### ADJOURNMENT

The special City Council meeting was adjourned at 6:26 PM.

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### CALL TO ORDER

Mayor Tran called the regular meeting to order at 6:26 PM. The City Clerk called the roll. The meeting took place via teleconference and webinar.

Mayor Tran, Vice Mayor Nuñez and Councilmembers Dominguez, Montano and Phan were all present, by phone.

### CLOSED SESSION

City Council convened into Closed Session to discuss one item on the agenda, item (b) regarding labor negotiations for the position of City Manager.

By phone conference, Mayor Tran called to order the open session/regular meeting at 8:05 PM.

### ANNOUNCEMENT

City Attorney Chris Diaz reported no action out of Closed Session. City Manager Steve McHarris gave instructions to the public about accessing the City Council meeting.

### PLEDGE

Mayor Tran led the pledge of allegiance.

### INVOCATION

Mayor Tran asked for a moment of silence to remember those who'd lost their lives to the corona virus.

<b>PRESENTATION</b>	Mayor Tran proclaimed March 2020 as <i>National Women's History Month</i> .
<b>PUBLIC FORUM</b>	The City Clerk read aloud e-mailed comments received from residents Allysson McDonald, Mark Garner and Yolie Garcia, and attorney Michael Trujillo of Law Foundation of Silicon Valley.
<b>ANNOUNCEMENTS</b>	<p>City Manager McHarris commented on Covid-19 and community response, including daily updated information on the City's website.</p> <p>Vice Mayor Nuñez thanked the City Manager and city staff for an exceptional job being done, in close coordination with the School District. He asked when he could inquire about the ordinance several speakers mentioned and the City Attorney said he could address that topic at agenda item no. 8, emergency declaration.</p> <p>Councilmember Montano asked about assistance for small businesses, including the possibility for emergency loans.</p> <p>Councilmember Dominguez wanted to confirm that appropriate measures were in place to ensure the safety of public safety staff when they returned home from their shifts.</p>
<b>ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS</b>	City Attorney Diaz asked Councilmembers if they had any personal conflicts of interest or reportable campaign contributions. By roll call, none were reported.
<b><u>APPROVAL OF AGENDA</u></b>	<p><u>Motion</u>: to approve the City Council agenda, as presented</p> <p>Motion/Second: Vice Mayor Nuñez/Councilmember Dominguez</p> <p>Motion carried by a vote of: AYES: 5 NOES: 0</p>
<b><u>CONSENT CALENDAR</u></b>	<p><u>Motion</u>: to approve the consent calendar, items no. C1 – C6</p> <p>Motion/Second: Vice Mayor Nuñez/Councilmember Phan</p> <p>Motion carried by a vote of: AYES: 5 NOES: 0</p>
C1. Council Calendars	Received the calendars of upcoming meetings for the months of March and April 2020.
C2. Meeting Minutes	Approved City Council meeting minutes of March 3, 2020.
C3. HydroScience.	Approved and authorized the City Manager to execute Amendment No. 1 to the Professional Services Agreement with HydroScience Engineers, Inc. to provide additional consultant engineering services for the Sewer Master Plan, increasing the total not to exceed amount by \$249,028 to \$891,028.
C4. Lucity	Approved and authorized the City Manager to execute Amendment No. 1 to the software license and professional services agreement with Lucity, Inc. for computerized maintenance management system, increasing the total not to exceed amount by \$31,600 to \$267,742.47.
C5. Water Main	Received report from the Public Works Director on the emergency repair work on a water main at the intersection of Calaveras Boulevard and Park Victoria Drive; and, ratify award of emergency contract to, and direct the City Manager to execute a contract with, Preston Pipelines.
C6. Agenda Preview	Received list of anticipated agenda items for the April 7, 2020 City Council meeting.

## **PUBLIC HEARING**

7. Continue item – appeal regarding La Quinta Hotel development project

City Attorney Diaz advised the City Council on the vote to continue the public hearing, recognizing that the item may not be heard at the next regular meeting depending on the public health crisis. If not heard on April 7, the matter could be re-noticed in the future.

Motion: to continue the public hearing on the appeal to April 7, 2020

Motion/Second: Vice Mayor Nuñez/Councilmember Dominguez

Motion carried by a vote of: AYES: 5  
NOES: 0

## **PUBLIC SAFETY**

8. Adopt a Resolution

City Manager McHarris explained the need for the emergency proclamation he'd issued the previous week, due to the coronavirus pandemic and its impacts in Milpitas and Santa Clara County. The City Council was asked to ratify the emergency proclamation.

Motion: to direct \$100,000 as a fund for small business loans and to establish a new Economic Development Subcommittee

Motion/Second: Councilmember Dominguez/Councilmember Montano

Motion failed by a vote of: AYES: 2  
NOES: 2 (Tran, Phan)  
ABSTAIN: 1 (Nuñez)

Motion: to establish a new City Council Economic Development Subcommittee and appoint Councilmembers Montano and Dominguez, to explore small business loan and relief programs, to consider what other cities have, to include options from the state and federal government, and report back to City Council

Motion/Second: Mayor Tran/Councilmember Dominguez

Motion carried by a vote of: AYES: 4  
NOES: 0  
ABSTAIN: 1 (Nuñez)

The City Clerk read aloud one public comment from resident Allysson McDonald.

Motion: to adopt Resolution No. 8953 to ratify the City of Milpitas Emergency Proclamation signed on March 12, 2020 by the Interim City Manager regarding corona virus (COVID-19)

Motion/Second: Councilmember Montano/Vice Mayor Nuñez

Motion carried by a vote of: AYES: 5  
NOES: 0

Following this vote, at 11:08 PM, Mayor Tran said the meeting was adjourned.

## **REPORTS**

9. Resolution (CEDAW) Items No. 9, 10 and 11 were not heard.

10. Agenda Item requests

11. Support for Laura's Law

**ADJOURNMENT**

Mayor Tran adjourned the regular meeting at 11:08 PM.

*The foregoing minutes were approved by the Milpitas City Council on April 7, 2020.*

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*Mary Lavelle, City Clerk*